1951

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File No. Prostitution 11/51(N)

Legal Deptt.

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Subject:— Notifications under the Prevention of Prostitutions Bombay Act, 1923

File No. Prostitution 11/51 (N)

Jan. 194 e.

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A revised draft notification is sent herewith subject to the follow in observations:-

2. Under sub-section (2) of section / of the Bombay Prevention of Prostitution Act, 1923, section 9 has been extended to whole of the State of Bombay That section has however been held to be void by the Bombay High Court in In re. Shantiba-i Rani Benoor 53 B.L.R. 142 on the ground that it is inconsistent with the provisions of article 19(1)(d) and (e) of the Constitution of India. Section 9A of the Act which is proposed to be extended to certain local areas is entirely dependent upon section 9. That being the case, no useful purpose would not be served by extending section 9A to any area. The reference to that section has therefore been deleted from the revised draft notification.

Sd. J.R. Dhurandhar.
5/6

Remembrancer of Legal Affairs.

U.R. to H.D. No. 8923, dated the 6th June 1951.

VGP. 5-7-56.

A revised draft notification is sent herewith.

2. It is proposed to extend section 3 of the Bombay Prevention of Prostitution Act, 1923, to the areas in question. That section provides for punishment for soliciting. Section 152(2) of the Bombay District Municipal Act, 1901, and section 188 of the Bombay Municipal Boroughs Act 1925, referred to in section 13(2) of the Act also provide for the same matter. To avoid overlapping of these provisions, it is desirable to extend the provisions of sub-section (2) of section 13 also to the areas in question which presumbly from part of a Municipal District, so that on the extension of that section the relevant provisions of the Municipal Acts referred to shall stand repealed in those areas. The Home Department should consider whether it is not necessary to extend section 13(2) of the Bombay Prevention of Prostitution Act 1923 to the areas in question. The Home Department may also consider whether it is not desirable or expedient to extend sections 8A and 10(1) also to the said areas.

3. From the District ~~Legislation~~ Magistrates lettr of the 23rd July 1951 at page 17 ante it appears that Jath is also a city and accordingly it has been referred to in the revised draft notification. The Home Department should, however, verify that Jath is a city.

Sd.

Deputy Secretayr to Government.

U.R. to H.D. No. 15050, dated the 21st September 1951.

VGP. 5-7-56.